REMARKS/ARGUMENTS

Pursuant to 37 C.F.R. § 1.116, reconsideration of the present application in view of the foregoing amendments and the following remarks is respectfully requested.

In the Claims

Claims 1 - 22 are presented for Examiner Kidwell's consideration.

Claims 1, 10, 18 and 22 have all been amended to clarify the claims using the language of the specification (see page 2, line 7 and page 5, lines 9 - 15). No new matter has been added.

Summary of the Invention

This invention relates to a nonwoven material for personal care products where the fibers in the material are oriented in the Z-direction. The material contains a large percentage of absorbent fibers and the balance of fibers may be synthetic or natural fibers. The orientation of the fibers in the Z-direction produces a material with high intake rate and high capacity.

Regarding Examiner's Rejections

1. Rejection for anticipation based on Wanek et al.

By way of the Office Action mailed January 28, 2004, Examiner Kidwell rejected claims 1 – 18 under 35 U.S.C. § 102(b) as allegedly being anticipated by Wanek et al. (U.S. Patent No. 5,466,513). This rejection is respectfully **traversed** to the extent that it may apply to the present claims.

Wanek et al. discloses a multi-layer absorbent composite of high-absorbency material and synthetic polymeric fibers that can be used in a personal care product. However, Wanek et al. does not disclose or teach the Z-direction orientation of fibers as in the present invention. Wanek et al. discloses that superabsorbent particles in an absorbent layer may be present with a Z-gradient particle size distribution. Such a distribution gradient of particle size is described as larger particles of superabsorbent being present on the bodyside of the absorbent layer while smaller superabsorbent particles being present on the opposite side of the same absorbent layer (column 11, lines 5 – 30).

In contrast, the fibers of the present invention are oriented in the Z-direction. As defined in the present invention (page 5, lines 9 – 15), such an orientation refers to the fibers of the

nonwoven web, including the absorbent fibers, being oriented in a direction perpendicular to the predominant plane (X-Y) of the fabric. This orientation of fibers is important in order to provide a high intake rate (page 11, lines 13 -14).

Therefore, Wanek et al. fails to disclose each and every element of the Applicants' claims. Applicants respectfully submit that the rejection of claims 1 – 18 under 35 U.S.C. § 102(b) in view of Wanek et al. is improper and should be withdrawn.

2. Rejection for anticipation based on Kellenberger

By way of the Office Action mailed January 28, 2004, Examiner Kidwell rejected claim 19 under 35 U.S.C. § 102(b) as allegedly being anticipated by Kellenberger (U.S. Patent No. 5,147,343). This rejection is respectfully **traversed** to the extent that it may apply to the present claims.

Kellenberger discloses an absorbent structure that can be used in a personal care product. Example 1 of Kellenberger also refers to superabsorbent material disposed in a Z-direction gradient (column 11, lines 61 – 66). Such an absorbent is disclosed as made according to the teachings of U.S. Patent No. 4,699,823 to Kellenberger et al., which is incorporated by reference (column 11, lines 61 – 66). Kellenberger et al. '823 discloses that such a Z-direction gradient of superabsorbent is a concentration gradient of superabsorbent material (see column 3, lines 5 – 11 and column 5, lines 16 – 24) where the concentration of superabsorbent material changes as one proceeds through the thickness of the absorbent material from the bodyside to the opposite side of the absorbent material (column 5, line 38 to column 6, line 16).

In contrast, as discussed above, the fibers of the present invention are oriented in the Z-direction. As defined in the present invention (page 5, lines 9 – 15), such an orientation refers to the fibers of the nonwoven web, including the absorbent fibers, being oriented in a direction perpendicular to the predominant plane (X-Y) of the fabric. This orientation of fibers is important in order to provide a high intake rate (page 11, lines 13 -14).

Additionally, Examiner Kidwell contends that Kellenberger discloses an absorbent having an intake rate at 50% saturation of at least 7 cc/s and a capacity of at least 4 g/g as set forth in column 11, lines 14 – 34. The values that the Examiner refers to are the values associated with the Vertical-Fluid Intake and Flowback Evaluation (V-FIFE) and Multiple Insult Demand Absorbency Test (MIDAT) testing methodologies. Such values of fluid delivered as part of the V-FIFE and MIDAT testing procedures do not inherently imply the intake rate and capacity of the present invention.

Therefore, Kellenberger fails to disclose each and every element of the Applicants' claims. Applicants respectfully submit that the rejection of claim 19 under 35 U.S.C. § 102(b) in view of Kellenberger is improper and should be withdrawn.

3. Rejection for obviousness based on Kellenberger

By way of the Office Action mailed January 28, 2004, Examiner Kidwell rejected claims 20 - 21 under 35 U.S.C. § 103(a) as allegedly being obvious to one of ordinary skill in the art at the time the invention was made and thus unpatentable over Kellenberger (U.S. Patent No. 5,147,343) . This rejection is respectfully **traversed** to the extent that it may apply to the present claims.

Kellenberger, as discussed above in the rejection of claim 19, does not disclose absorbent fibers orientated in the Z-direction. Additionally, as discussed above, Kellenberger does not disclose the intake rate and capacity of the present invention.

Claims 20 – 21 are dependent claims and contain all the limitations of claim 19. For the reasons previously discussed, Kellenberger does not disclose each and every element of the present invention. Applicants respectfully submit that a *prima facie* case of obviousness under 35 U.S.C. § 103(a) has not been established, and the rejection of claims 20 -21 should be withdrawn.

4. Rejection for obviousness based on Wanek et al. in view of Kellenberger

By way of the Office Action mailed January 28, 2004, Examiner Kidwell rejected claim 22 under 35 U.S.C. § 103(a) as allegedly being obvious to one of ordinary skill in the art at the time the invention was made and thus unpatentable over Wanek et al. (U.S. Patent 5,466,513) and further in view of Kellenberger (U.S. Patent No. 5,147,343) . This rejection is respectfully **traversed** to the extent that it may apply to the present claims.

As discussed above in the discussion of claims 1 – 21, both Wanek et al. and Kellenberger disclose absorbent material having a Z-direction gradient. As such, neither reference teaches the absorbent fiber Z-direction orientation of the present invention in the sense of 35 U.S.C. § 103(a). Furthermore, as discussed above for claims 19 -21, neither reference teaches the intake rate and capacity of the present invention.

Therefore, as neither reference independently nor in combination discloses each and every limitation of the present invention, a *prima facie* case of obviousness under 35 U.S.C. § 103(a) has not been established and the rejection of claim 22 should be withdrawn.

For the reasons stated above, it is respectfully submitted that all of the present claims are in form for allowance.

Please charge any prosecutional fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

The undersigned may be reached at: (770) 587-8096.

Respectfully submitted,

DODGE ET AL.

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CERTIFICATE OF FACSIMILE TRANSMISSION

I, Nathan Hendon, hereby certify that on April 9, 2004, this document is being sent by facsimile to the United States Patent and Trademark Office, central facsimile number for all patent application related correspondence, at 703-872-9306.

By: _____

Nathan Hendon

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